IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1687(SS) OF 2001

(Old No. 46131 of 2000)

1. Omkar Singh, S/o Shri Jant Singh,
   Head Master,
   Junior High School Bansi,
   Block Jaiharikal. District-Pauri Garhwal.
2. Nain Singh, S/o Shri Harvash Singh,
   Head Master,
   Junior High School Pali Langur,
   Block Dwarikal,
   Distt. Pauri Garhwal.
3. Dayaram Singh,
   Head Master,
   Junior High School Juva,
   Block Dugadda, Distt. Pauri Garhwal.
4. Harpal Singh, S/o Shri Sukhlal Singh,
   Asst. Teacher,
   Junior High School Dhobighat,
   Block Virokhal,
   Distt. Pauri Garhwal.
5. Kamar Abbas,
   S/o Shri Mustaba Hasan,
   Asst. Teacher,
   Junior High School Ladauki,
   Block Dugandda, Distt. Pauri Garhwal.
6. Ravindra Kumar, S/o Shri Udal Singh,
   Assistant Teacher,
   Junior High School Jandichaud,
   Block Dugandda, Distt. Pauri Garhwal.
7. Giriraj Singh, S/o Shir Murari Singh,

Assistant Teacher (Science)
Junior High School Mathana,
Block Dugandda, District Pauri Garhwal.

8. Mahendra Singh Raghuvanshi,
S/o Shri Niranjan Singh Raghuvanshi,
Assistant Teacher,
Rajkiya Adarsh Vidyalaya Jaiharikal,
Bl;ock Jaiharikal, Distt. Pauri Garhwal.

9. Ishtiaq Hussain, S/o Sri Solsddar Hussain,
Assistant Teacher,
Junior High School Bedgaon,
Block Dugandda, Distt. Pauri Garhwal.

10. Munna Giri, S/o Raghuraj Singh Giri,
Assistant Teacher,
Junior High School Bansi,
Block Jaiharikal, Distt. Pauri Garhwal.

11. Smt. Shain Akhtar, W/o Shri Kazim Naqvi,
Assistant Teacher,
Junior High School Kotddiidaang,
Block Dugandda, Distt. Pauri Garhwal.

12. Om Pal Singh, S/o Shri Puran Singh,
Assistant Teacher,
Junior High School, Pali Langur,
Block Dwarikal,
Distt. Pauri Garhwal.

13. Mohd. Aslam, S/o Shri Ashfhaq Husain,
Assistant Teacher,
Junior High School Jandichaud,
Block Dugandda, Distt. Pauri Garhwal.

14. Pushparaj Singh, S/o Shri Girdhari Singh,
Assistant Teacher,
Prathmik Vidyalaya Kalwari,

Block Rikhnikal, Distt. Pauri Garhwal.

15. Smt. Naim Jahra Naqvi,
W/o Shri Hilala Mahmood Naqvi,
Assistant Teacher,
Pratamik Vidyalaya Nagar kshetra Kotdwar,
Blockl Dugandda, Distt. Pauri Garhwal.

16. Dinesh Kumar, S/o Shri Harinam Singh,
Assistant Teacher,
Pratamik Vidyalaya Dasi,
Block Rikhnikal, Distt. Pauri Garhwal.

17. Jaipal Singh, S/o Shri Sukkan Singh,
Assistant Teacher,
Pratamik Vidyalaya Fadiqyo (Kwili)
Block Narendra Nagar, Distt. Tehri Garhwal.

18. Smt. Raj Kumari, W/o Dr. B.N. Lal,
Assistant Teacher,
Pratamik Vidyalaya Pokhri,
Block Narendra Nagar, Distt. Tehri Garhwal.

.....Petitioners.

Versus

1. State of U.P. through Secretary, Ministry of Education, Basic, U.P. Government. Civil Secretariat, Lucknow.
2. Union of India, through the Secretary Ministry of Personnel Public Grievances and Pension, New Delhi.
3. The Director of Education (Basic), U.P. Nishatganj, Lucknow.
4. Assistant Director, Basic, Garhwal Region, Pauri,
5. Basic Shiksha Adhikari, Pauri,
6. Basic Shiksha Adhikari, Tehri,

7. The Chairman, State Advisory Committee, VII Floor, Vikas Bhawan, Hazratganj, Lucknow.

.....Respondents.

Sri Anil Dabral, Advocate for the petitioners.
Learned Standing Counsel for the State of U.P.
Learned Standing Counsel for the State of Uttaranchal.

Dated: 22.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioners have prayed for a writ of mandamus commanding the respondents to permit the petitioners (Assistant Teachers and Head Masters in Basic Schools) to give their options (like Lecturers and Principals and all other public Government servants) for their absorption in plain area in the State of U.P. (existing Uttar Pradesh). Further prayer has been made for a writ of mandamus commanding the respondents to adjust the petitioners against the existing Head Master and Assistant Teacher in the plain area of State of Uttar Pradesh in Basic Schools. Further prayer has been made for a writ of certiorari quashing the Govt. order issued by the respondent no. 1, Union of India, dated 13.09.2000 (especially clause (2) of the aforesaid guideline), as also the consequential order issued by the State Government dated 20.09.2000 (Annexure III and IV respectively).

2. Briefly stated, petitioners no. 1 to 3 are Head Master in Junior High School and petitioner no. 4 to 18 are the Assistant Teacher in different Primary and Junior High School, who have essential qualification for appointment as Head Master/Assistant Teachers and all of them belong to plain area in different districts of the State of Uttar Pradesh. According to the case of the petitioners, they are working on the aforesaid

post for a long time to the entire satisfaction of the appointing authorities and no disciplinary action is pending against them.

3. Petitioner has submitted that in year, 1992 Uttar Pradesh Hill Sub Cadre Rules, 1992 were framed, but the options from Basic Teacher were not taken and none of the petitioners gave their option for Hill Cadre.

4. Petitioners have submitted that vide order dated 23.10.2000 of the High Court of Allahabad, the respondents were directed to accept the option forms of the petitioners for holding the post of L.T. Grade Teachers in Plain areas of the State of Uttar Pradesh and further consider the option forms and pass orders in accordance with law, but the same has not yet been considered.

5. In view of the Section 76 of the Re-organization Act, the Advisory Committee has been constituted to recommend the allocation of the cadre to the Central Government.

6. Liberty is given to the petitioners to move a fresh representation before respondent no. 7 within a period of one week from the date of presentation of the certified copy of the order.

7. However, without going into the merit of the controversy, State Advisory Committee/respondent no. 7 is directed to dispose of the representation for option of the petitioners within a period of three weeks thereafter.

8. Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

22.03.2006

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